

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

*Plaintiff,*

**v.**

**MATTHEW ONESIMO ARMSTRONG,**

*Defendant.*

**Case No. CR-21-335-RAW**

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**UNITED STATES' SENTENCING MEMORANDUM**

To assist the Court, the United States, by its undersigned counsel, provides the following memorandum recommending that this Court accept the plea agreement between the parties, pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure (Doc. 10) and impose the agreed upon sentences of 10 years imprisonment for Count One, Assault with a Dangerous Weapon with Intent to do Bodily Harm in Indian Country and ten years imprisonment for Count Two, Use and Carry and Discharge of a Firearm During and in Relation to a Crime of Violence. Both sentences to run consecutively.

**Background**

On October 14, 2021, Defendant Matthew Onesimo Armstrong (Defendant) was charged by Information with one count of Assault with a Dangerous Weapon with Intent to do Bodily Harm in Indian Country, in violation of 18 U.S.C. §§ 113(a)(3), 2, 1151, and 1153, and one count of Use and Carry and Discharge of a Firearm During and in Relation to a Crime of Violence, in violation of 18 U.S.C. § 924(c)(1)(A)(iii) for his role in the killing of a man in Indian Country in May 2015.

On October 20, 2021, Defendant entered a guilty plea to Counts One and Two of the Information CR-21-335-RAW (Doc. 10), pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure.

Defendant also entered a guilty plea to Counts One, Three, and Four of the Indictment CR-18-058-RAW (Doc. 270) pursuant Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure.

Sentencing is scheduled for January 17, 2023 at 10:00 a.m.

In the plea agreement Defendant admitted that he and John Knight (Knight) asked Defendant's father, Jimmy Armstrong, to drive them to residence of the victim, Scotty Candler, (victim) on or about May 30, 2015. (DOC. 10). Defendant and Knight were under orders from the Indian Brotherhood (IBH) to question the victim about an unrelated homicide. (PSR at ¶ 9, Doc. 10). Jimmy Armstrong drove Defendant and Knight to an intersection off Old Highway 99 and Country Road EW 1340 in Seminole County (PSR at ¶ 9, Doc. 10). Defendant and Knight were carrying firearms. (Doc. 10). Defendant planned to question, point his firearm at the victim, scare him, and beat him up. (Doc. 10). Defendant and Knight went to the door of the victim's home (Doc. 10). Knight knocked on the victim's door. (Doc. 10). The victim opened the door, and two dogs ran out of the home. (PSR at ¶ 9, Doc. 10). Defendant attempted to strike the two dogs with the butt of his firearm and fired two shots outside the residence. (DOC. 10). Defendant said that Knight then went inside the residence and shot the victim in the head, killing the victim. (PSR at ¶ 9, Doc. 10).

#### **The Advisory Guideline Range**

The United States agrees with the U.S. Probation Department that Defendant's adjusted offense level for Count One is 23 pursuant to USSG § 2A1.2. (PSR at ¶ 24). The United States recommends that Defendant receive a two (2) level reduction for acceptance of responsibility and

an additional one (1) level reduction for entering his plea in a timely manner, pursuant to USSG §§ 3E1.1(a) and (b). As such, the total offense level for Count One is 20 (PSR at ¶ 27). With a criminal history category of II, the advisory guideline range for Count One is 37 – 46 months imprisonment. (PSR at ¶ 56).

The United States agrees with the U.S. Probation Department that Count Two requires a minimum sentence of ten years imprisonment to run consecutive to any other term of imprisonment imposed pursuant to USSG § 2K2.4. (PSR at ¶ 16).

### **The Agreed Upon Sentences Should Be Imposed**

The seriousness of Defendant's offense, the need to deter criminal conduct, and the need to protect the public from further crimes weighs in favor of the Court accepting the plea agreement and imposing the agreed upon sentences of 10 years on Count One and 10 years on Count 2 to run consecutively. The agreed upon sentence is the result of protracted negotiations with Defendant and represents the whole of conduct that Defendant engaged in. Defendant and Knight, both carrying firearms, went to the victim's home under orders from the IBH. Defendant admitted that he intended to question the victim, threaten the victim with the firearm that he was carrying by pointing it at the victim, and assault the victim. Defendant fired two shots outside of the victim's home when the victim opened the door and let the victim's dogs out, Defendant admitted that he possessed his firearm in furtherance of the assault on the victim and discharged his firearm in relation to that assault. Armstrong said that, ultimately, the victim was shot and killed by Knight whom Defendant fled the scene with.

Defendant pled guilty to Counts One (Assault with a Dangerous Weapon with Intent to do Bodily Harm in Indian Country) and Two (Use and Carry and Discharge of a Firearm During and in Relation to a Crime of Violence) of the Information. Under the terms of Defendant's plea

agreement, pursuant to Rule 11(c)(1)(C), the parties have agreed that Defendant should be sentenced to 10 years imprisonment on Count One and a 10-year term of imprisonment on Count Two, to run consecutively.

**CONCLUSION**

For the foregoing reasons, this Court should accept the plea agreement and impose terms of ten years imprisonment on Count One and a 10-year term of imprisonment on Count Two, to run consecutively.

Respectfully submitted.

CHRISTOPHER J. WILSON  
United States Attorney

January 11, 2023  
Date

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January 11, 2023  
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**CERTIFICATE OF SERVICE**

I, hereby certify that on January 11, 2023, I electronically transmitted the attached document to the Clerk of Court, which automatically transmitted a copy to Defendant's attorney of record, Martin Juarez, AFPD.

s/Rami S. Badawy

Rami S. Badawy

Trial Attorney